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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,875	03/26/2004	Sandeep Relan	15488US01	9842
23446	7590	03/26/2010	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				SAMS, MATTHEW C
ART UNIT		PAPER NUMBER		
		2617		
MAIL DATE		DELIVERY MODE		
		03/26/2010		
		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,875	RELAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MATTHEW SAMS	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 February 2010.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 30,31,34-36 and 43 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 30,31,34-36 and 43 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/4/2010 have been fully considered but they are not persuasive.
2. In response to the Applicant's argument regarding claim 30 that "Gussler merely sends "permission", but does not send a command" (Page 4), the Examiner respectfully disagrees.

The Examiner views receiving a "command" to record an audio signal as being the same as receiving "permission" to record an audio signal because Gusler's invention is in the state of waiting (to begin recording the conversation), the same way that the Applicant's mobile terminal is waiting to record account information.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30, 31, 34-36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Husain et al. (US-6,978,380 hereafter, Husain) in view of Miettinen (US-7,352,999) and Gusler et al. (US-6,778,639 hereinafter, Gusler).

Regarding claim 30, Husain teaches a method of secure application and authorization of an account (Col. 5 lines 3-32) including having a mobile terminal (Col. 5

line 38-40) comprising an output for transmitting an application for credit over a first network (Col. 5 lines 33-36 & 43-51) and an input for receiving account information associated with the application for credit over a second network. (Col. 6 lines 40-49) Husain teaches the use of wireless devices including PDAs and cellular phones (Col. 5 lines 36-40), but differs from the claimed invention by not explicitly reciting the second network comprises a GGSN.

In an analogous art, Miettinen teaches a dual mode mobile terminal device (Col. 5 lines 11-15) that communicates with a network comprising a Gateway GPRS Service Node (Fig. 1 [30] and Col. 4 line 47 through Col. 5 line 15), wherein the mobile terminal receives commands that are transmitted wirelessly (Col. 7 lines 5-39 & Col. 9 line 55-58) and cause the mobile terminal to perform a predetermined operation. (Col. 10 lines 7-10) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the invention of Husain after modifying it to incorporate the wirelessly programmable dual mode mobile terminal which communicates with at least one GGSN of Miettinen. One of ordinary skill in the art would have been motivated to do this since a dual mode mobile terminal provides the user with a larger geographical roaming area and the ability to receive location dependent information. (Col. 2 lines 24-35)

Husain in view of Miettinen teaches receiving a command wirelessly and performing a predetermined operation (Miettinen Col. 9 line 55 through Col. 10 line 10), but differs from the claimed invention by not explicitly reciting the mobile terminal is

operable to receive an audio signal and operable to record the account information after receiving the command, from a location that is remote from the mobile terminal.

In an analogous art, Gusler teaches a mobile terminal (Fig. 1 [140]) that includes receiving a command wirelessly to enable the mobile terminal to activate an audio recording feature (Col. 7 line 46 through Col. 8 line 4, specifically Col. 8 lines 1-4) to record information after receiving the command. (Col. 4 lines 54-56) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to implement the dual mode mobile terminal capable of receiving wireless commands and performing predetermined operations of Husain in view of Miettinen after modifying it to incorporate detecting a wireless command to enable the audio recording capability of Gusler. One of ordinary skill in the art would have been motivated to do this since it enables a user to conveniently receive, record and save information, which one of ordinary skill would recognize the information can include recording an account number.

Regarding claim 31, Husain in view of Miettinen and Gusler teaches the first network comprises a packet network. (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claim 34, Husain in view of Miettinen and Gusler teaches the application is transmitted during a session over the first network and wherein the account information is transmitted during a session over the second network (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67), and wherein the session over the first network is initiated by the mobile terminal and wherein the session over the second network is initiated by a node sending the account information associated with the

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application for credit to the mobile terminal. (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67)

Regarding claims 35 and 36, Husain in view of Miettinen and Gusler teaches the use of a first and second network for establishing a credit application (Husain Col. 5 lines 33-51 and Col. 6 lines 40-67), but differs from the claimed invention by not explicitly reciting the first network session is terminated (prior to) or (after) the establishment of the session with a second network. However, it would have been obvious to one of ordinary skill in the art to be motivated to terminate a first network session (prior to) or (after) the establishment of the session with a second network as a security precaution. (Husain Col. 6 lines 40-67)

Regarding claim 43, Husain in view of Miettinen and Gusler teaches the command commands the mobile terminal to record the account information. (Husain Col. 6 lines 40-49 and Davis Col. 1 lines 35-54)

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW SAMS whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW SAMS/  
Examiner, Art Unit 2617

/LESTER KINCAID/  
Supervisory Patent Examiner, Art Unit 2617